

Jun 17, 2022 tennessean.com

Why CoreCivic is seeking to block a prominent attorney from speaking out about a prison it runs

CoreCivic wants to hide documents that show Tennessee's largest prison has never been in compliance with the staffing levels required by its state contract. The country's largest private prison company is pushing a federal judge to issue a gag order on Nashville attorney Daniel Horwitz. They want to limit him from commenting on court documents publicly and to delete disparaging Twitter posts. The Brentwood-based company also wants the documents removed or sealed from public court databases after they attracted media attention, including in *The Tennessean*. CoreCivic filed the motions this month in an ongoing federal case over a death at Trousdale Turner Correctional Center last year. "It is simply important to us that matters of litigation are decided within the court system and not in the press or social media," said CoreCivic spokesperson Matthew Davio when reached by email. CoreCivic argues the comments could unfairly prejudice a jury. Horwitz argues he has a duty to his clients, and his comments are protected by the First Amendment. Court rules can limit what attorneys can say publicly about ongoing litigation. Horwitz is often outspoken on social media and called the company "cartoonishly evil" with a "deliberate indifference to the health and safety of the inmates in its care" in a comment to *The Tennessean*. "There is no reason to be scared of this cartoonishly evil prison corporation unless you are an inmate housed at one of its chronically understaffed facilities," he said by text. Among other incarcerated clients, Horwitz represents G. Marie Newby, mother of Terry Childress. Childress was killed while incarcerated at CoreCivic-run Trousdale Turner Correctional Center last year. Newby sued for \$10 million in damages and called for changes or to close the prison facility. The federal lawsuit is before U.S. District Chief Judge Waverly D. Crenshaw, Jr. Understaffing at the prison was so endemic it amounts to a policy and made the company liable in her son's killing, Newby argues. The company denies her claims in the ongoing suit. Davio said CoreCivic, like other correctional agencies, has faced staffing challenges but is focused on addressing the issue. The documents were released in a separate federal prisoner suit against the company by Boaz Pleasant-Bey, who sued CoreCivic and the state in 2019. He is Muslim and argues his rights to practice his religion have been infringed while incarcerated. Buried in the sworn testimony from Trousdale Turner administrators and former Tennessee Department of Correction Commissioner Tony Parker are comments that speak to Newby's argument about understaffing. The state's newest prison, Trousdale Turner has long been mired in controversy. It was forced to stop intake just four months after it opened in 2016. CoreCivic has never been in compliance with the staffing requirements set out in the contract with the state, according to multiple administrators' testimony in the case, including current Trousdale Turner Correctional Center warden Martin Lee Frink. Staffing problems across Tennessee's prisons, both state- and CoreCivic-run, were flagged in a scathing audit by the Tennessee Comptroller's office released in 2020. The facility was ordered to pay more than \$2 million in fines in 2018 after previous state reviews noted poor management and significant staffing and gang issues. The back and forth has lasted more than a month now. Crenshaw heard arguments on the dispute over including the Pleasant-Bey filings in the Newby case on May 27 and said he would allow CoreCivic to respond by written argument. CoreCivic filed the motion to quash Friday. No further hearing in the case had been set as of Wednesday. Also on May 27, Horwitz filed a motion asking Crenshaw to lay out a plan for robust jury questioning, if needed, if or when the case does go to trial. "The Plaintiffs," Horwitz wrote, "too, desire a fair trial."